UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,915	03/11/2004	Timothy G. Deboer	CA920030075US1	7010

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ART UNIT	PAPER NUMBER
2191	

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10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/798,915	DEBOER, TIMOTHY G.
	Examiner	Art Unit	
	Anna Deng	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to amendment filed on 9/17/2007.

2.   The rejection under 35 U.S.C. 101 to claims 7-12 is withdrawn in view of applicant's amendment.

3.   Claims 1-18 are pending.

4.   Claims 1-18 stand finally rejected.

Response to Amendment

Claim Rejections - 35 USC § 103

1.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haikin US 6,

757,893 B1 (hereinafter Haikin), in view of Blackwell et al. US 2005/0166094 A1 (hereinafter Blackwell).

Per Claim 1:

Haiking teaches

-    A method for competitive peer programming in an environment where each of a first and a

     second developer can make changes to any of a plurality of sections of source code (Haikin,

     col. 1, lines 7-19, "the present invention provides a system for use by software developers

     during the development and maintenance of the software source code of a software system,

     whereby modified versions of the source code are tracked and stored on a line-byline basis

     within a source code storage. Because modified versions of the software source code are

     tracked and stored on a line-by-line basis, it is possible for multiple software developers to

     work on the same software source code at the same time, while still providing historical

     version tracking of all modifications to each of the source code lines") comprising the steps

     of:

-    a) enabling said first developer to make changes to a first section of source code thereby

     producing a modified section of code (Hiakin, col. 1, lines 7-19, "it is possible for multiple

     software developers to work on the same software source code at the same time, while still

providing historical version tracking of all modifications to each of the source code lines"

emphases added);

- b) providing access to said modified section of code (Haiking, col. 3, lines 20-30, "source

code can be accessed and modified by more than one software developer at a time",

emphasis added);

- e) enabling said second developer to make changes to a second section of source code

thereby replacing said modified section of code and repeating steps b) with said first and said

second developers exchanging roles, until said comparison indicates no further changes are

required (Haiking, col. 3, lines 20-30, "source code can be accessed and modified by more

than one software developer at a time", emphasis added)

Hailin does not explicitly teach

- c) enabling testing of said modified section of code to produce a test result;

- d) enabling comparison of said test result with a reference test result; and

- e) based on the comparison of step d), repeating steps b) through e) until said comparison

indicates no further changes are required.

However, Blackwell teaches

- c) enabling testing of said modified section of code to produce a test result (Blackwell, [0020],

The testing system of the present invention can include a variety of features, including

automatically determining and tracking linkages between complex software system

components, automatically producing reports to show what test cases need further testing,

identifying what test cases from previous work were affected by a modification to the system,

and enabling auditing of changes"; and [0081], " ... "testing" generally refers to the process of

operating a system or component of a complex software system under specified conditions,

observing or recording the result, and marking an evaluation of some aspect of the system or

component");

- d) enabling comparison of said test result with a reference test result (Blackwell, [0077], "a "script" is a written description of the set of transactions to be executed in a test case and a list of expected results for comparison to the actual results") and

- e) based on the comparison of step d), repeating steps b) through e) until said comparison indicates no further changes are required (Blackwell, FIG. 12, steps 340-348, [0196], lines 26-38, "After the scripts are executed 340 to run the tests, output results are analyzed 344 and compared to expected results to determine if any changes are needed in the code 346. If the results indicated no changes are needed, the task of modifying and testing a component may be considered to be completed 348. If further changes are needed, steps are taken to identify the component or components of complex software system that require modification 342 (typically the recently modified component is most likely to require further debugging or other modifications, especially if the complex software system was working acceptable prior to modification of the component)").

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Haikin to include "c) enabling testing of said modified section of code to produce a test result; d) enabling comparison of said test result with a reference test result; and e) based on the comparison of step d), repeating steps b) through e) until said comparison indicates no further changes are required" using the teaching of Blackwell. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a testing tool automatically executing all of or a subset of the test scenarios associated with the interrelated components that may be affected by the change as once suggested by Blackwell (Blackwell, [0021] and [0025]).

Per Claim 2:

The rejection of claim 1 is incorporated, and Haikin further teaches first section of source code and said second section of source code are different sections (Haikin, col. 5, lines 46-55, "the special

editor allows a requesting software developer to view any version of any source code line, including prior versions that reflect modifications made either by the requesting software developer or by another software developer ... The special editor can also allow a software developer to access, modify, save and integrate versions of ... above regarding source code lines").

Per Claim 3:

The rejection of claim 1 is incorporated, and Haikin further teaches first section of source code and said second section of source code are the same section sections (Haikin, col. 5, lines 39-41, "Thus, multiple software developers can concurrently access and modify the same source code lines referenced in a virtual file", emphases added).

Per Claim 4:

The rejection of claim 1 is incorporated, and Blackwell further teaches reference test result is produced from a version of said first section of source code before said changes were made (Blackwell, [0052], "storing results of the executed test scripts for later comparison with expected results for the executed test scripts").

Per Claim 5:

The rejection of claim 1 is incorporated, and Blackwell further teaches reference test result is produced from a version of said second section of source code before said changes are made (Blackwell, [0052], "storing results of the executed test scripts for later comparison with expected results for the executed test scripts").

Per Claim 6:

The rejection of claim 1 is incorporated, both Haikin and Blackwell further teaches a third developer can make changes to any of a plurality of sections of source code and steps b) through e) are executed separately with said second developer being replaced by said third developer (Haiking, col. 3,

lines 20-30, "source code can be accessed and <u>modified by more than one software developer at a time</u>",

emphasis added; and Blackwell, [0245], "The development, integration, and/or testing of a complex

software system typically involved multiple programmers in a variety of groups").

Per Claims 7 (Currently amended), 8-12:

These are the computer program product versions of the claimed method discussed above

(claims 1-6), where in all claim limitations also have been addressed and/or covered in cited areas as set

forth above. Thus, accordingly, these claims are also obvious.

Per Claims 13-18:

These are other method versions of the claimed method discussed above (claims 1-6), where in

all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus,

accordingly, these claims are also obvious.

Response to Arguments

2.   Applicant's arguments filed 9/17/2007 have been fully considered but they are not persuasive.

Applicant argued:

One feature of Applicant's claimed subject matter is claimed as "said first and second developers

exchanging roles" (Claims 1, 7, and 13). Haikin does not describe a corresponding element.

Examiner's responses:

Haikin does teach and describe Applicant's claimed subject matter as "**said first and second

developers exchanging roles**" (Haikin, col. 3, lines 20-49, "The present invention ...providing a software

source code version control system for use during the development and maintenance of a software

system by multiple software developers in which historical version tracking is maintained ... in which

source code can be accessed and modified by more than one software developer at a time, in which

access is provided to each version of the source code"; col. 4, lines 61-67 through col. 5, 1-45, "The source code storage is arranged to store a plurality of versions of each of the plurality of source code lines, and is accessible to a plurality of software developers...the software developer may receive the most recent version of each requested source code line that was previously modified and saved by the requesting software developer...It can therefore be appreciated a second software developer may transparently receive a different set of copied source code line versions when using a copy request which references the same virtual file because the second software developer could be provided with the most recent version of the source code lines that were modified by the second software developer, instead of the version of the source code lines that were modified by the first software developer. Thus, multiple software developers can concurrently access and modify the same source code lines referenced in a virtual file"). Haikin teaches a software source code version control system can be accessed and modified each source code version by more than one software developer at a time. Thus, Haikin's system read in the limitation as enabling said second developer to make changes to a second section of source code thereby replacing said modified section of code with said first and said second developers exchanging roles in claims 1, 7, and 13.

Applicant argued:

    Blackwell, which is relied upon to suggest the testing aspects of Applicants' claimed subject matter, is not directed to nor seen to address, issues related to collaborative software development, in general, or conflict resolution, specifically.

Examiner's responses:

    In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth
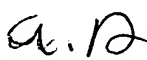
in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

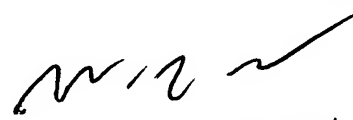MONTHS from the mailing date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be

reached on Monday to Friday 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei

Zhen can be reached on 571-272-3708. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the TC2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).

Anna Deng   September 28, 2007

WEI ZHEN

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